

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-3 CHRISTOPHER BLACKWELL

Defendants.

Case No. 15-20152

HON. TERRENCE G. BERG

HON. STEPHANIE D. DAVIS

**ORDER DENYING DEFENDANT CHRISTOPHER BLACKWELL'S
EMERGENCY MOTION TO MODIFY HIS DETENTION ORDER (DKT. 109)**

Defendant Christopher Blackwell is charged with one count of discharging a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(iii), one count of being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g)(1), and one count of tampering with a witness by using physical force in violation of 18 U.S.C. §§ 1512(a)(2)(A) and (2). (*See* Dkt. 19.) These charges arise from an incident on or about July 27, 2014, when Defendant Blackwell and his co-Defendants Lezlye Taylor and Lawrence Christopher Davis (*See id.*) allegedly lured a witness from his home and shot him with the intention of preventing him from testifying in a federal trial. (*Id.* at 2.)

Defendant Blackwell was ordered detained pending trial after a detention hearing was held before Magistrate Judge Hluchaniuk on July 22, 2015. (Dkt. 34.) Defendant Blackwell filed a motion for release from pretrial detention on October 15, 2015. (Dkt. 59.), and the Court heard oral argument on that motion on December 22, 2015. The Court denied the motion for release from pretrial detention

on that same date.

Defendant now files a second motion for release from pretrial detention captioned as an emergency motion to modify his detention order, allowing for his temporary release. (Dkt. 109.) This motion, dated February 16, 2016, has been filed under seal. (*See id.*) In this motion, Defendant Blackwell requests that the Court temporarily release him from detention so that he may attend the birth of his child and support the child's mother for at least 30 days after the child is born. (*Id.* at ¶¶ 5-12.) The birth will be by cesarean delivery, requiring surgery and hospitalization for up to seven days, currently scheduled for February 24, 2016. (*Id.* at ¶¶ 8-9, 12.) Defendant Blackwell argues that the child's mother will require his assistance with cooking meals and caring for her two other minor children in addition to the newborn while she is recovering. (*Id.* at ¶¶ 9, 11.) Defendant Blackwell asserts that the child's mother has no one else she can rely on for support at this time. (*Id.* at ¶ 10.) Defendant Blackwell proposes that he be released under the supervision of his mother and that he reside with the child's mother. (*Id.* at ¶ 7.)

In Defendant Blackwell's previous motion to revoke his detention order (Dkt. 59), he also raised the issue of the impending birth of his child and need to support the child's mother. (*Id.* at ¶ 6.) Defendant Blackwell also proposed that his mother serve as his third-party custodian. (*Id.*) Defendant Blackwell thus raises no new issues or facts in this latest motion that would support his request for temporary release. The Court previously considered the reasons for release Defendant Blackwell now raises when it denied his previous motion for release after a hearing

on December 22, 2015. (*See* December 22, 2015 minute entry and bench order.)

As the Court stated on the record on December 22, 2015, the charges and the evidence presented at the detention hearing by proffer showed by clear and convincing evidence that there is no condition or combination of conditions that would adequately assure the safety of the community if Defendant is released. The charges in this case involve an attempt to kill a federal witness. As the Court explained on the record, consideration of all the factors set out in 18 U.S.C. § 3142(g) lead to the conclusion that detention is appropriate. Accordingly, it is unnecessary to hold another hearing to consider these same issues again. Defendant Blackwell's emergency motion to modify his detention order is therefore **DENIED**.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: February 23, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on February 23, 2016, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager